

Remarks

It is requested that the amendment after Final Action dated April 26, 2004, and received April 28, 2004, be entered.

Claim 1 has been amended to further distinguish from the references. Claims 2-4 are cancelled. Claim 5 is as originally presented. Claim 6 is a new claim which recites a feature that, by this amendment, has been deleted from claim 1. Claims 7, 8 and 9 are new claims.

The claims in the application were rejected as unpatentable over Lazzarotti. Reconsideration in view of the following comments is respectfully requested.

Lazzarotti discloses that articles are cut out one at a time to a main conveyor, but does not disclose that a group or plurality of articles may be cut out at the same time. Therefore, the concept of storing a plurality of articles on a feeder, and then cutting out a group consisting of some but not all of the stored articles with the remainder of the articles staying behind on the feeder, is not suggested in Lazzarotti.

According to the further language added at the end of claim 1, when it is impossible to cut out all of the articles stored in one auxiliary conveyance path to the reserved spacing, the said one auxiliary conveyance path "cancels a spacing reserved by another of the auxiliary conveyance paths on an upstream side of said one auxiliary conveyance path, and reserves for said one auxiliary conveyance path the cancelled spacing in the main conveyance path." This is a very important feature of applicant's invention and is nowhere suggested in the prior art of record, including Lazzarotti. Thus when articles stored in one auxiliary conveyance path cannot be cut out all at once to the reserved spacing, this auxiliary conveyance path is given priority over the

other auxiliary conveyance paths for the articles remaining in the auxiliary conveyance path. See specification, page 15, lines 14-18. Since this feature is not disclosed or suggested in Lazzarotti, claim 1 in its present amended form is believed to be allowable.

Claim 5 depends from claim 1 and distinguishes further from the references by stating that the spacing equal to or greater than a predetermined length is a spacing equal to a spacing between the groups of articles on a before-and-behind relation plus a minimum length of the stored article.

Claim 6 adds a feature of the invention taken out of claim 1, by amendment, to the effect that when the articles have been cut out from the one auxiliary conveyance path and joined to the main conveyance path, carrying and storing articles into and in this auxiliary conveyance path is stopped for a given time. Claim 6 is believed to be allowable along with claim 1 and also because of the further novel limitations resisted therein.

New claim 7 is like claim 1, but in place of the last five lines in claim 1 states that "when it is impossible to cut out all of the articles stored in said one auxiliary conveyance path to the reserved spacing, said one auxiliary conveyance path immediately reserves a detected spacing in the main conveyance path without necessitating the time-up period upon confirming that articles are stored at the position in close proximity to the junction with the main conveyance path." In connection with claim 7, please refer to the specification, page 15, line 6-13. It is submitted that this feature is neither disclosed nor suggested in Lazzarotti.

June 15, 2004

New claims 8 and 9 depend from claim 7 and are like claims 5 and 6 and should be allowable along with claim 7.

We request an extension of one month for responding to the action of February 18, 2004, and enclose a check for \$880.00 to cover the cost of the extension and also to cover the fee for this RCE.

The Commissioner is hereby authorized to charge any deficiencies, or credit any overpayments associated with this communication to our Deposit Account No. 50-0852.

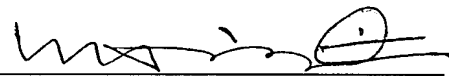
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 15, 2004.


Noelle Constantinou

Respectfully submitted,

REISING, ETHINGTON,
BARNES, KISSELLE, P.C.


William H. Griffith, Reg. No. 16,706
P.O. Box 4390
Troy, Michigan 48099-4390
(248) 689-3500